

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOFTWARE FOR MOVING, INC.

Plaintiff,

-v-

YURI FRID, OZ MOVING AND STORAGE, INC.,
MEN ON THE MOVE SELF STORAGE CENTER,
INC., JOHN/JANE DOES 1-100, and XYZ
CORP.,

Defendants.
-----X

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11-19-09

09 CIV. 4341 (DLC)

PRETRIAL
SCHEDULING ORDER

DENISE COTE, District Judge:

At an October 30, 2009 conference held on the record, plaintiff was ordered to file its amended complaint by November 16. By a letter dated November 17, plaintiff indicates that the amended complaint was mailed to the Clerk of Court on November 16. As of November 19, the docket indicates that the amended complaint has not yet been filed. It is hereby

ORDERED that the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. The plaintiff shall file its amended complaint by **November 25, 2009**. Plaintiff must serve the amended complaint on defendants by **December 9, 2009**.
2. Defendants shall respond to the amended complaint by **January 15, 2010**.
3. The parties are instructed to contact the chambers of Magistrate Judge Kevin Fox prior to **November 25, 2009** in order to pursue settlement discussions under his supervision.
4. All fact discovery must be completed by **April 30, 2010**.
5. Plaintiff's identification of experts and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), Fed.R.Civ.P., must occur by **April 2, 2010**. Defendants' identification of experts and disclosure of expert testimony must occur by **April 23, 2010**. Plaintiff's disclosure of rebuttal expert testimony must occur by **May 14, 2010**.

6. All discovery must be completed by **May 14, 2010**.
7. The Joint Pretrial Order must be filed by **June 4, 2010**.

As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due one week thereafter.

All direct testimony except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits served, **but not filed**, with the Joint Pretrial Order.


Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial. Affiants for whom such notice is not given are not required to be present at trial.

Counsel will provide the Court with two (2) courtesy copies of all these documents at the time they are served, as well as one set of pre-marked exhibits assembled sequentially i) in a looseleaf binder, or ii) in separate manila folders labeled with the exhibit numbers and placed in a suitable container or box for ready reference.

SO ORDERED:

Dated: New York, New York
November 19, 2009



DENISE COTE
United States District Judge

COPIES SENT TO:

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Magistrate Judge Fox